

REMARKS

The last Office Action has been carefully considered.

It is noted that the claims are rejected under 35 U.S.C. 102(b) over the patent to Henkin.

It is noted that the claims are rejected over the patent to Henkin and Gentry, while some claims are rejected under 35 U.S.C. 103 over the patent to Jentry in view of the patent to Vosbikian.

Also, the claims are rejected under 35 U.S.C. 101 in view of the copending application.

In connection with the Examiner's formal objections and rejections, applicants have amended the specification and the claims correspondingly, and it is believed that the Examiner's grounds for the objections and rejections are therefore eliminated.

As for the attachment by a snap-fit, it is believed that no additional information is needed, since a snap-fit is well known as an attachment by snapping one element on the other element.

Also, as required Figure 1 has been submitting with the legend "Prior Art".

In connection with the Examiner's rejection of the claims over the art, claim 1 has been amended to more clearly define the present invention and to distinguish it from the prior art, and claims 18 and 22 have been amended to make them independent.

It is respectfully submitted that claims 1, 18, and 22 clearly and patentably distinguish the present invention from the references.

Claim 1 specifically defines that in the multi-purpose hand shower the shower head has a diameter which is smaller than the diameter of the additional scrubbing element, as can be seen for example from Figures 1-6.

When the multi-purpose shower is designed in accordance with the present invention, the flat surface of the scrubbing element facing away from the showerhead, the peripheral circumferential surface of the additional scrubbing element, and even a radially outer portion of the surface of the scrubbing element facing toward the showerhead are exposed so that they all can be used for scrubbing of an object. In addition, sharp edges are

formed between the surface of the scrubbing element facing away from the showerhead and the peripheral circumferential surface, and also between the surface of the scrubbing element facing toward the showerhead and the circumferential peripheral surface, which edges can be used for penetration into narrow spaces for scrubbing as well.

None of the references teaches such features of the present invention.

In the massage apparatus disclosed in the patent to Henkin, the holder and the scrubbing element have actually the same diameter, and therefore there is no radially outer portion on the surface of the scrubbing element facing toward the holder which can be used for scrubbing.

Also, it is important, as defined in claim 1, that the showerhead is a throughgoing element through which the water passes, and it has a plurality of openings which are open toward the additional scrubbing element to supply water to the opposite surface of the additional scrubbing element over the cross-sectional area of the showerhead, which, as explained herein above, is smaller than the diameter of the additional scrubbing element.

Turning now to the references and in particular to the patent to Henkin, it can be seen that in this reference the scrubbing element and the holder to which it is attached have the same diameter. Therefore, there is no exposed radially outer part of a rear surface of the scrubbing element facing toward the holder. Also, the holder which holds the scrubbing element does not have a plurality of openings, but instead has only a single central passage. Therefore the part of the rear surface of the scrubbing element can not be used, no exposed sharp edge is formed between it and the circumferential surface, and there are no multi-jets action on the scrubbing element from the rear side.

It is therefore believed to be clear that this reference does not teach the new features of the present invention as now defined in claim 1.

In the patent to Gentry the element which holds the scrubbing element has a plurality of openings, but at the same time this element does not have the smaller diameter than the diameter of the scrubbing element. Therefore, neither the peripheral circumferential surface, nor a part of the surface facing the holder is exposed for scrubbing of corresponding objects.

Finally, the patent to Vosbikian does not teach a multi-purpose hand shower. Instead it teaches a closed container 2 with a scrubbing

element attached to it. There is no showerhead through which water passes and which is provided with a plurality of openings, so that water passes through the showerhead or through the holder and issues through a plurality of openings onto the rear surface of the additional scrubbing element.

Thus, this reference also does not teach the new features of the present invention as defined in claim 1.

Claim 18 defines the multi-purpose hand shower in which the showerhead and the additional scrubbing element are formed so that one part of water flowing from the showerhead flows onto a user's body outside the scrubbing element while another part of the water flows from the showerhead through the additional scrubbing element.

Claim 22 finally defines that the connection element has an opening through which the water flows from the showerhead directly onto the user's body outside the additional scrubbing element.

The features of claims 18 and 22 are also not disclosed in the references and can not be derived from them as a matter of obviousness.

The features of claims 18 and 22 provide additional advantages, in the specific different ways to supply of water onto an object to be scrubbed, which are not disclosed in the references and can not be derived from them.

The original claims were rejected as being anticipated by some references. As for the anticipation rejection, it is believed to be advisable to cite the decision in *re Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.”

The references do not disclose each and every element of claims 1, 18 and 22, and therefore the anticipation rejection should be considered as not tenable with respect to these claims and should be withdrawn.

As for the obviousness rejection, it is respectfully submitted that if the references were combined the combination would not lead to the applicant's invention. Instead, the references have to be fundamentally modified by including into them the new features of the present invention

which are now defined in these claims. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification. This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in *re Randol and Redford* (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Finally, it was explained herein above that the present invention provides for the highly advantageous results which can not be accomplished by the constructions disclosed in the references. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case *Ex parte Tanaka, Marushima and Takahashi* (174 USPQ 38), as follows:

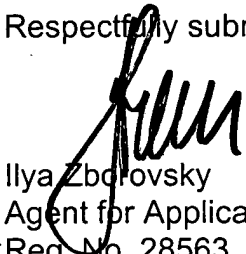
Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claims 1, 18 and 22 should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,



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